



THE CZECH ELECTIONS TO THE EUROPEAN PARLIAMENT

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In 2004, the first European Parliament elections in the Czech Republic will be held. It is now, however, that the rules and the framework for their organisation are being established. Also this indirectly concerns the role that the European Parliament will play in the Czech Republic. The aim of the following policy paper is:

- To shape the evolution of the current draft of the European Parliament Elections Act
- To analyse possible directions the election campaign will take and the main issues that will be addressed
- To suggest the process of future co-operation between the EP deputies and the Czech Republic

1. European Parliament Elections Act

1.1. On May 15, 2002, the draft of the EP election act that will regulate the European Parliament elections within the territory of the Czech Republic has been approved by the government. According to this draft, the Czech Republic will constitute a sole constituency where the deputies will be elected by a direct vote. The draft act uses a proportional representation system with one non-transferable vote per voter. The act also introduces the possibility of preferential voting for up to two candidates per ballot. These preferential votes will be taken into account only if the candidate receives at least 7% of them. The act also sets the threshold for scrutiny, of 5% for the individual parties as well as for coalitions. For the remaining votes, D'Hondt's key will apply.

1.2. The draft act also regulates the voting rights of other EU member states' citizens residing within the Czech Republic. They have both the right to vote and the right to stand for

election. It enables the Czech citizens living abroad who want to vote in the Czech Republic to do so. It does not, however, regulate the right to vote of Czech citizens residing within the territory of other member states. It can be assumed though that the election acts of other member states will provide for this possibility.

- 1.3. The drafted act forbids any member of the European Parliament from holding a position in other EC institutions (e.g. the Commission, judge or advocate – general of the ECJ, European Central Bank bodies) and, further, from holding another position in the Czech government or the judicial posts of a judge, public prosecutor or ombudsman in the Czech Republic. The number of seats in the European Parliament for the Czech Republic has not been definitively decided and it could range from 20 to 25 posts. The maximum number of candidates on the list of candidates for each political party will be thus limited to 25.
- 1.4. Unlike the current Parliament Elections Act, this draft stipulates that the MEP's mandate begins upon the inaugural session of the newly elected EP. Contrastingly, in the Czech system, the mandate originates as soon as the deputy is elected. But more comparatively, the organisation of the elections themselves is almost identical (concerning such details as the voting hours) as well as the system of MEP substitutes when the mandate is terminated prior to its expiry.

2. Election system – consequences

- 2.1. The drafted act regarding EP elections is almost an identical copy of the Chamber of Deputies Elections Act – proportional representation, 5% scrutiny threshold, elections procedure and organisation etc. This resemblance and the experience of the EU member states suggest that the **EP elections will practically be a repetition of national parliament elections**. Consequently, the campaign can be dominated by domestic topics, the political parties can use similar rhetoric as in the national elections and only rarely would present European visions to their voters. The suggested system further does not provide for the candidacy of other EU citizens for instance by means of an “exchange” of candidates from neighbouring countries. This would enable, for example, Czech politicians to stand for a “sister” party in neighbouring Germany or vice versa.
- 2.2. The voters often do not know what the powers of the European Parliament are and therefore they do not see a practical reason for the existence of this institution, even though its agency is increased with every EC Treaty amendment. **The European Parliament is too alienated from everyday lives of EU citizens**. They cannot follow its

work (e.g. through the media) as in case of the national parliaments. This leads to an **overall lack of interest in the EP work**, a conclusion supported by the ever – decreasing election turnout in current member states.

- 2.3. The very existence of European parties is somewhat fictional. In fact, these parties are the federations of national parties, rather than classical political parties with a uniform leadership to whom the individual party institutions as well as their members are subordinated. It is the national, not European parties, who run for the EP elections. During the last EP elections the principal European political parties tried to form a uniform election declaration that the national political parties should (but were not obliged to) use during the domestic campaign. At the European level there is an attempt to regulate the European political parties (Article 191 of the Nice Treaty, common financing rules). These are, however, only the first indications.

3. The composition and characteristics of candidates and MEP

- 3.1. Even though the MEPs are assembled in the European political parties federations, the main centre that determines their political activities is located in the national political parties and their leadership to which they are responsible. The MEPs are obliged to the domestic parties for putting them on their candidate lists and indirectly to the number of benefits or being on the list that they could possibly lose by disobeying the party discipline. Even though the EP stresses the importance of supranational deputy groups, within these federations the national delegations meet on a regular basis (e.g. the meetings of CDU/CSU deputies).
- 3.2. The national interests are often given preference over the European ones.** In this way, the cohesion and credibility of European political parties are being undermined. As an example, we can look at the voting in the Regional Policy Committee, where the Spanish deputies regardless of their party preference vote together, as a national bloc. In these situations where the national interests are at stake the MEPs put aside their party loyalty and vote according to a perceived national interests. In these situations, the EP resembles an international assembly where the individual national delegations negotiate.
- 3.3. The relationships with the national political scene and especially with the party leadership causes the majority of politicians to prefer the national political arena as the principal place for making a political career. Starting the political career in the EP means a separation from the main decision-making structures and processes, and alienation from

the domestic political scene where the fundamental decisions shaping the European policies are made. This situation determines, to a large extent, the composition of the MEPs. Most of them are not the leading political representatives but rather “second rank” politicians. Smaller, but an ever-increasing portion of the MEPs is recruited from among former top politicians past their zenith who formerly performed important political functions at the national level. Some observers, but also deputies themselves, mention the “removal of the retired politicians to Brussels”. These practices can further decrease the credibility and position of the European Parliament as an important European institution.

4. Election campaign

4.1. Education vs. election campaign about the EP: When organising the election to a new, unknown institution, an education campaign concerning that institution must be considered. Only after this step, a classical election campaign can follow.

4.2. With the use of the term education campaign it is meant that an objective, unbiased provision of information to the citizens that will not influence the electorate in its political decision-making is of the highest importance. Taking into account its apolitical character this is done by the state institutions or by the institution concerned. In the case of the EP it will concern the depiction of the abilities and principal activities of the European Parliament. The EP educational campaign will most probably fuse with or build upon the general EU educational campaign and that concerning the accession referendum.

4.3. Timing of the campaign: There are several alternatives as to the timing of the education campaign considering the events that will take place before the EP elections (June 2004). The first phase is represented by the signing of Accession Treaty (spring 2003) followed by a referendum (probably autumn 2003) and only after the ratification by all the member states will the Czech Republic become an EU member (supposedly January 1, 2004).

4.3.1. Alternative I: Campaign prior to the signing of Accession Treaty

Positives: In the framework of the ongoing EU education campaign, the democratisation of EU institutions will be highlighted as well as the representation of Czech citizens in the EU. This could positively influence the image of the EU as a democratic and accountable body.

Negatives: There is a risk of diverting attention away from the discussion of the enlargement process and the reasons for the Czech Republic’s accession to the EU. The risk of uncertain membership also must not be underestimated in this phase. Considering the length of the campaign, the risk of lowering the campaign’s intensity and the public interest on the topic is also reason for concern.

4.3.2. Alternative II: campaign starting between the signing of Accession Treaty and before the accession referendum

Positives: The media attention surrounding the Accession Treaty will enable greater “piggy-backing” into the media of the EP education campaign. Attention will be largely paid to the issue of Czech representation in the European structures.

Negatives: Despite the preponderance of media attention given to EU related subjects, the education campaign can be overshadowed in the minds of the citizenry by the referendum campaign and the risk both issues being inappropriately fused together increases.

4.3.3. Alternative III: campaign starting after the (affirmative) referendum and before the date of accession

Positives: timing of the campaign closer to the date of elections increases the interest in the topic and enables it to be presented as another benefit arising from membership. An intensive media campaign connected with the outcomes of the referendum will also be typical for this period. The campaign can be perceived as a continuation of the general campaign on EU accession.

Negatives: However this carries the risk of de-motivation and loss of interest in topics associated with yet another election considering the just-finished referendum. The excessive saturation with EU topics can occur as well, leading to the desensitisation of the Czech polity to all of the issues.

4.3.4. Alternative IV: campaign starting after the EU accession date and prior to the persuasive (election) campaign

Positives: The campaign will be highly relevant thanks to a close date of the EP elections, and higher intensity of the education campaign can be expected as compared to a more long-term campaign that would occur if the campaign started earlier. Fresh membership could bring a certain euphoria which could increase the interest in the functioning of EU institutions.

Negatives: The necessity for re-invocation of the topic and increasing its intensity can lead to higher costs of the campaign.

4.4. Election campaign – topics

The election campaign will be organised immediately prior to the elections. It will be of a persuasive character and unlike the educational campaign it will be organised and financed by political parties with the aim of winning the largest possible amount of seats. The question of

the timing of the election campaign is not so important. A crucial issue will be the issues of the election campaign themselves and the way they are presented.

4.4.1. Alternative I: Conservative approach

The campaign will be focused on advocating the Czech national interests in the EU. The advocacy of regional issues will be very limited as a result of the existence of a sole constituency in the Czech Republic. Under present circumstances, the idea of protecting these interests is very popular and it is likely to win more votes if a party brings it up. The conservative campaign could also lead to a higher turnout in the elections. On the other hand, the EU is perceived as the rival in this campaign who has to be fought and defeated, and thus the campaign can evoke some anti-European sentiments.

4.4.2. Alternative II: Pro-European approach

The campaign will be based on the issue of future position of the Czech Republic in the EU. The European Parliament will be presented as a suitable platform for the presentation of the Czech Republic. The political parties will then present themselves as part of a network of political parties with the pan-European dimension.

4.4.3. Alternative III: Horizontal approach

The principal issues of the election will be the individual EU policies: for example environment, social security, consumer protection, public order, protection of cultural heritage etc. The questions of advocating national interests do not become an issue here and the parties present themselves more as the advocates for some kind of pan-European public interest.

4.4.4. Alternative IV: Populist approach

The EP is interpreted as the “tobacconist” or “warehouse” of retired politicians of inferior influence or those whose political career is gone. Other issues will also become focal points, such as the question of costs of a new EP building in Strasbourg, as well as that of having the EP seated in three different cities, and last but not least that of the wages of MEPs recently unified and considerably exceeding the salaries of Czech deputies. This approach can gradually lead as far as to the initiatives on the abolishment of the EP, like initiatives on the abolishment of the Senate.

4.5. Inspiration for the Czech Republic

An important source of inspiration for the Czech Republic could be the supplementary EP elections held in 1990 for the new federal states of Germany (former GDR). The deputies elected there could be natural allies of the Czech MEPs and solicitors in their integration in the EP's work. Like the future Czech deputies, the representatives of the new Länder had to become accustomed with the workings of a new institution and overcome the distrust of their colleagues from the old federal states, who saw them as representatives of a "less developed" country.

A successful experiment used during the supplementary elections in 1990 was the creation of an "observer" position. The observers were citizens – politicians from GDR who were in the period between the German unification and the first EP elections working intensively in the EP. Their success in the upcoming elections was then considerably higher than that of candidates having no experience with the work of the European Parliament.

The current draft EP elections act does not take into account the institution of candidates – observers. In the case that the Czech Republic decided to opt for that, it will be necessary to decide on the criteria for the selection of observers and their financing. The internships of EP candidates, financed by the collaborating political parties from the current EU member states, can play an important role too. The idea of involving Czech representatives in the work of the EP was even mentioned by the EP president, Patrick Cox. The most suitable date for the commencement of the activities of Czech observers seems to be the date of EU accession (i.e. probably January 1, 2004). Prior there is a risk of shuffling the debate away from the observers selection because of the referendum campaign. Besides that, the observers from a country, which is not even an EU member, would not necessarily have to be taken seriously by their EU colleagues.

5. Interaction between Czech institutions and the EP

5.1. After EP elections, there will be an official platform for the co-operation between the EP and Czech state institutions, represented by COSAC (common assembly of MEPs and members of the national parliaments). However, for the effectiveness of advocating the Czech interests in the EP, the informal relations between the MEPs and Czech state institutions will still be of the foremost importance.

5.2. The co-operation between the Czech institutions and the MEPs elected in the Czech Republic should not finish at the moment of their election. The Czech institutions can provide valuable information, thus facilitating the work of Czech MEPs. The desirability of this co-operation is further highlighted by the expert nature of the EP work. The complexity and volume of issues that the EP deals with leads to a narrow specialisation of individual deputies. When voting on issues outside his specialisation, an MEP usually follows the recommendation of a colleague-expert from the respective EP fraction. The possibility of “briefing” the Czech deputies with information and analyses, thus facilitating his decision-making and creating an image of him as an expert within his EP fraction, will have to be considered. An important role will be that of Czech experts acting as expert assistants to MEPs or as advisors in the party secretariats of EP fractions. Briefing of Czech deputies could encourage them to vote according to national interests rather than according to preference of a particular fraction in certain cases, e.g. when voting on regional policy issues.

5.2.3. Depending on their level of co-operation with domestic bodies, the MEPs are likely to evolve into two informal groupings. The first are the deputies that are highly active in the EP but rather neglect the activities in their constituencies. The other group concentrates on their constituencies by working largely with the potential voters and presenting themselves as lobbyists for their constituencies, regions or states. The success with the upcoming EP elections will be higher in the second group. **The EP sessions are perceived by the voters as too distant and detached from their problems.**

5.4. For the Czech Republic, deputies of both groups are important. The members of the first group can become **Czech “stars” in the EP**, monitoring and advocating the Czech interests at the European parliamentary forum. The other group of MEPs then ensures the necessary level of understanding for the sense and role of the EP among the Czech public. The co-operation with the Czech institutions is necessary especially for the first group – it will ensure the necessary feedback about the problems concerning the Czech Republic in addition to necessary media attention of its activities for the benefit of the Czech public.

6. On basis of this analysis, European Policy Forum proposes the following recommendations and conclusions:

6.1. The EP elections draft act is too much of a copy of the Chamber of Deputies Election Act. It only takes into account the requirements of Community law such as the

right to vote and the right to stand for elections of EU citizens to a minimum extent. By creating a sole electoral constituency for the whole Czech Republic, the role of regions in choosing the future MEPs is limited. A possible solution would be creating the constituencies based on the structure of NUTS II.

6.2. The EP campaign should have both an educational and persuasive (electoral) part. The education campaign is necessary for citizens to understand the role of the EP for the Czech Republic. Underestimating the importance of the education campaign can result in a low election turnout and thus undermining the legitimacy of the EP itself in the Czech Republic. As a negative example, one can draw on the Senate elections. Harmonisation of the terms of EP elections with the elections into some national institutions should be considered. This is, however, practically excluded by the different terms of office of the EP (5 years) and majority of Czech institutions (4 years). Furthermore, the harmonisation of terms would cause the infiltration of the EP elections with domestic topics and their dominance in course of the EP campaign.

6.3. Most of the future MEPs will probably not be representing the leading personalities of national political parties but these will rather be the “second row” politicians. Smaller (but still growing) number of Eurodeputies is, however, recruited from the ranks of former top politicians (past their political zeniths) who formerly served in foremost political post on the national level.

Therefore it would be suitable that the group of Czech MEPs contains two types of politicians. First, older and experienced, having rich experience in national politics and – if possible – a European profile (e.g. members of Parliamentary Association Committee, Committee for European Integration, intensive experience in foreign policy or ex-holders of international posts). These politicians could lead the respective party candidate lists, supplemented by young, perspective politicians with European thinking and background. Thus a symbolical connection of older, experienced generation bringing a young generation in Europe will be reached. It will be this young generation that would represent the Czech Republic actively in the EP.

6.4. When considering the Czech candidates, it will be necessary to consider their language capabilities. Without the communicative knowledge of major European languages, the work of deputies practically loses sense, especially during informal meetings, reunions and sessions. Furthermore, the hitherto experience with European matters and participation on the work of European parties should be also taken into

account. The Czech candidates should announce in advance what domain they want to follow in the EP to their potential electorate.

6.5. The participation of Czech politicians in EP sessions even prior to the election itself is also worth considering. It will cover the period of about 6 month (January to June) prior to the EP elections, with Czech representatives acting as observers. A similar example can be derived from the participation of the deputies of the new federal states of Germany, in most cases subsequently successfully elected MEPs.

6.6. After the elections, the Czech institutions (ministries, parliament) should support the MEPs both in terms of informative briefings and with media coverage. In this way, a higher degree of co-operation between the Czech deputies going across the party fractions will be assured and thus a more profound advocacy of Czech interests in the EP.

6.7. High-profile Czech experts, following particular domains of EU policies in the party secretariats of European fractions, will play a key role in the integration of Czech politicians in the work of the European Parliament.

6.8. The Czech parties should pay a particular attention to the preparation of expert assistants and consultants and enable them training in the European Parliament already at this stage.